

Environmental Protection Agency

FY 2003 Annual Performance Plan and Congressional Justification

A Credible Deterrent to Pollution and Greater Compliance with the Law

Strategic Goal: EPA will ensure full compliance with laws intended to protect public health and the environment.

Resource Summary (Dollars in thousands)

	FY 2001 Actuals	FY 2002 Enacted	FY 2003 Request	FY 2003 Req. v. FY 2002 Ena.
A Credible Deterrent to Pollution and Greater Compliance with the Law	\$393,979.3	\$393,550.1	\$402,462.9	\$8,912.8
Increase Compliance Through Enforcement.	\$337,582.6	\$337,781.6	\$346,590.5	\$8,808.9
Promote Compliance Through Incentives and Assistance.	\$56,396.7	\$55,768.5	\$55,872.4	\$103.9
Total Workyears	2,511.2	2,492.5	2,330.7	-161.8

Background and Context

Protecting the public and the environment from risks posed by violations of environmental requirements is basic to EPA's mission. Many of America's environmental improvements over the last quarter century are attributable to a strong set of environmental laws and an expectation of compliance with those laws. EPA's enforcement program has been the centerpiece of efforts to ensure compliance, and has achieved significant improvements in human health and the environment.

Means and Strategies

Many of the environmental improvements in this country during the past 30 years can be attributed to a strong set of environmental laws and EPA's ensuring compliance with the laws using a variety of tools including: enforcement, compliance monitoring, compliance assistance, and compliance incentives in cooperation with our regulatory partners.

Due to the breadth and diversity of private, public, and federal facilities regulated by EPA under various statutes, the Agency needs to target its enforcement and compliance assurance activities strategically to address the most significant risks to human health and the environment and to ensure that certain populations do not bear a disproportionate environmental burden. A strong enforcement program identifies noncompliance problems, assists the regulated community in

understanding environmental laws and regulations, punishes violators, strives to secure a level economic playing field for law-abiding companies, and deters future violations. EPA's continued enforcement efforts will be strengthened through the development of measures to assess the impact of enforcement activities and assist in targeting areas that pose risks to human health or the environment, display patterns of noncompliance and include disproportionately exposed populations. Further, EPA cooperates with other nations to enforce and ensure compliance with environmental regulations.

The Agency reviews and evaluates the activities of the regulated community to determine compliance with applicable laws, regulations, permit conditions and settlement agreements and to determine whether conditions presenting imminent and substantial endangerment exist. The majority of workyears devoted to compliance monitoring are provided to the regions to conduct investigations and on-site inspections including monitoring, sampling and emissions testing. Compliance monitoring activities are both environmental media- and sector-based. The traditional media-based inspections complement those performed by states and tribes and are a key strategy for meeting the long-term and annual goals established for the air, water, pesticides, toxic substances, and hazardous waste environmental goals included in the EPA Strategic Plan.

The Agency's enforcement and compliance assurance program uses compliance assistance and incentive tools to ensure compliance with regulatory requirements and reduce adverse public health and environmental problems. To achieve compliance, the regulated community must understand its regulatory obligations and how to comply with those obligations. EPA supports the regulated community by assuring that requirements are clearly understood and by helping industry find cost-effective options to comply through the use of pollution prevention and innovative technologies. EPA also enables other assistance providers (e.g., states, universities) to provide compliance information to the regulated community. Maximum compliance requires the active efforts of the regulated community to police itself. EPA will continue to investigate options for encouraging self-directed audits and disclosure; measure and evaluate the effectiveness of Agency programs in improving compliance rates; provide information and compliance assistance to the regulated community; and develop innovative approaches to meeting environmental standards through better communication, cooperative approaches and application of new technologies.

State, tribal and local governments bear much of the responsibility for ensuring compliance, and EPA works in partnership with them and other Federal agencies to promote environmental protection. Further, EPA cooperates with other nations to enforce and ensure compliance with environmental regulations. At the Federal level, EPA addresses its uniquely Federal responsibilities under the National Environmental Policy Act (NEPA) by seeking remedies for potentially adverse impacts of major actions taken by EPA and other Federal agencies.

Strategic Objectives and FY 2003 Annual Performance Goals

Increase Compliance Through Enforcement

- Maintain and improve quality and accuracy of EPA's enforcement and compliance data to identify noncompliance and focus on human health and environmental problems.
- Improve capacity of states, localities, and tribes to conduct enforcement and compliance programs. Maintain a well-trained EPA workforce that can provide training, technical support, and provide backup inspection support and expertise for complex inspections done jointly with States and Tribes. EPA will provide training as well as assistance with state and tribal inspections to build capacity, including implementation of the inspector credentials program for State/Tribal inspection programs.
- EPA will direct enforcement actions to maximize compliance and address environmental and human health problems; 75% of concluded enforcement actions will require environmental or human health improvements such as pollutant reductions and/or changes in practices at facilities.
- EPA will conduct 14,000 inspections, 400 criminal investigations, and 200 civil investigations targeted to areas that pose risks to human health or the environment, display patterns of non-compliance or include disproportionately exposed populations. In addition, EPA will respond to public complaints in a timely manner.
- Ensure compliance with legal requirements for proper handling of hazardous waste imports and exports.

Promote Compliance Through Incentives and Assistance

- Increase opportunities through new targeted sector initiatives for industries to voluntarily self-disclose and correct violations on a corporate-wide basis.
- Promote the use of Environmental Management Systems (EMS) to address known compliance and performance problems.
- Increase the regulated community's compliance with environmental requirements through their expanded use of compliance assistance. The Agency will continue to support small business compliance assistance centers and develop compliance assistance tools such as online compliance assistance centers and compliance guides.

Highlights

Environmental Enforcement

Coordinating its activities with the states, EPA will continue to support deterrence and compliance activities by focusing its compliance monitoring on site inspections and investigations. In setting the compliance and enforcement priorities and strategic direction of the program, EPA coordinates its efforts with and solicits the views of our states partners. The Agency uses the State/EPA Enforcement Forum as a vehicle in advancing the coordination of efforts for joint strategic planning between EPA and the states.

The Agency will continue to work with states and tribes to target areas that pose risks to human health or the environment, display patterns of noncompliance, or include disproportionately exposed populations. Media-specific and industry sector-based priorities have been established for the national program through the Office of Enforcement and Compliance Assurance's Memorandum of Agreement 2002/2003 guidance, developed in conjunction with the Regional offices.

The civil and criminal enforcement program, in contributing to EPA's goal to protect public health and the environment, targets its actions based on health and environmental risk. The program aims to level the economic playing field by ensuring that violators do not realize an economic benefit from noncompliance and seeks to deter future violations. In FY 2003, the Agency's enforcement initiatives include enforcement of lead paint rules, and modernization of its data systems to assist in targeting compliance and enforcement efforts.

State, Tribal, and International Capacity Building

A strong state and tribal enforcement and compliance assurance presence contributes to creating deterrence and to reducing noncompliance. In FY 2003, the enforcement and compliance assurance programs will work with and support state agencies implementing authorized, delegated, or approved environmental programs. Consistent with regulations and EPA policy, the Agency will provide an appropriate level of oversight and guidance to states to ensure that environmental regulations are fairly and consistently enforced across the nation.

The Agency provides grant funding, oversight, training and technical assistance to states and tribes. The state and tribal grant programs are designed to build environmental partnerships with states and tribes and strengthen their ability to address environmental and public health threats. These threats include contaminated drinking water, pesticides in food, hazardous waste, toxic substances and air pollution.

Meeting its objective of achieving the benefits of environmental requirements through an enforcement presence requires EPA to effectively implement international commitments for enforcement and compliance cooperation with other countries, especially those along the U.S. border. Through such arrangements, EPA works to reduce environmental risks to U.S. citizens from external sources of pollution, as well as to prevent or reduce the impact of pollution originating in the United States.

Compliance Incentives and Assistance

The Agency will continue to support the regulated community's compliance with environmental requirements through voluntary compliance incentives and assistance programs. In FY 2003, the compliance incentives program will continue to implement the policy on Incentives for Self-Policing, Small Business Compliance Policy and Small Communities Policy as core elements of the enforcement and compliance assurance program. In addition, the Agency will provide information and technical assistance to the regulated community through the compliance assistance program to increase its understanding of statutory and regulatory environmental requirements, thereby reducing risk to human health and the environment and gaining measurable improvements in compliance. The program will continue to develop strategies and compliance assistance tools that will support initiatives targeted toward improving compliance in specific industrial and commercial sectors or with certain regulatory requirements. The annual Compliance Assistance Activity Plan provides information on planned compliance assistance activities in the upcoming fiscal year and will serve as a reference for other assistance providers and the public on EPA's planned tools and activities. The Agency will continue to support the sector based Compliance Assistance Centers, update the Compliance Clearinghouse, sponsor a Federal advisory committee on compliance assistance, and will continue to develop and enhance a APlatform@ from which to launch additional assistance centers.

External Factors

The Agency enforcement and compliance program's ability to meet its annual performance goals may be affected by a number of factors. Projected performance could be impacted by natural catastrophes, such as major floods or significant chemical spills, that require a redirection of resources to address immediate environmental threats. Many of the targets are coordinated with and predicated on the assumption that state and tribal partners will continue or increase their levels of enforcement and compliance work. If these assumptions do not come to fruition, EPA's resources may be needed to cover priority areas. In addition, several EPA targets rely on the Department of Justice to accept and execute cases. The success of EPA's activities hinge on the availability and applicability of technology and information systems. Finally, the regulated community's willingness to comply with the law will greatly influence EPA's ability to meet its performance goals.

Other factors, such as the number of projects subject to scoping requirements initiated by other federal agencies, the number of draft/final documents (Environmental Assessments and Environmental Impact Statements) submitted to EPA for review, streamlining requirements of the Transportation Equity Act for the 21st Century (TEA-21), and the responsiveness of other federal agencies to environmental concerns raised by EPA, may also impact the Agency's ability to meet its performance goals.

Lastly, the NEPA Compliance workload is driven by the number of project proposals submitted to EPA for funding or NPDES permits that require NEPA compliance, including the Congressional projects for wastewater, water supply, and solid waste collection facility grants,

which have increased in recent years.

Environmental Protection Agency

FY 2003 Annual Performance Plan and Congressional Justification

A Credible Deterrent to Pollution and Greater Compliance with the Law

Objective: Increase Compliance Through Enforcement.

EPA and its state, tribal, and local partners will improve the environment and protect public health by increasing compliance with environmental laws through a strong enforcement presence.

Resource Summary (Dollars in Thousands)

	FY 2001 Actuals	FY 2002 Enacted	FY 2003 Request	FY 2003 Req. v. FY 2002 Ena.
Increase Compliance Through Enforcement.	\$337,582.6	\$337,781.6	\$346,590.5	\$8,808.9
Environmental Program & Management	\$243,937.0	\$239,905.0	\$233,721.7	(\$6,183.3)
Hazardous Substance Superfund	\$15,037.3	\$19,016.6	\$18,687.9	(\$328.7)
Science & Technology	\$10,684.0	\$10,948.6	\$11,269.5	\$320.9
State and Tribal Assistance Grants	\$67,924.3	\$67,911.4	\$82,911.4	\$15,000.0
Total Workyears	2,092.2	2,075.9	1,932.6	-143.3

Key Program (Dollars in Thousands)

	FY 2001 Enacted	FY 2002 Enacted	FY 2003 Request	FY 2003 Req. v. FY 2002 Ena.
Administrative Services	\$4,432.7	\$0.0	\$0.0	\$0.0
Capacity Building	\$10,395.3	\$9,417.1	\$10,342.7	\$925.6
Civil Enforcement	\$102,817.0	\$101,437.2	\$99,718.8	(\$1,718.4)
Compliance Assistance and Centers	\$351.6	\$406.7	\$378.0	(\$28.7)
Compliance Incentives	\$415.9	\$284.6	\$292.6	\$8.0
Compliance Monitoring	\$56,781.2	\$53,216.3	\$51,198.4	(\$2,017.9)
Criminal Enforcement	\$40,840.1	\$41,555.7	\$42,538.1	\$982.4
Data Management	\$15,479.7	\$16,069.9	\$16,372.7	\$302.8
Enforcement Training	\$5,277.7	\$3,947.3	\$3,880.4	(\$66.9)
Environmental Justice	\$159.4	\$0.0	\$0.0	\$0.0
Facilities Infrastructure and Operations	\$34,719.8	\$25,957.5	\$27,464.3	\$1,506.8
Homeland Security	\$0.0	\$10,467.8	\$3,807.0	(\$6,660.8)
Legal Services	\$855.7	\$988.5	\$1,057.4	\$68.9
Management Services and Stewardship	\$2,877.8	\$5,804.7	\$6,391.3	\$586.6
NEPA Implementation	\$233.9	\$226.9	\$237.4	\$10.5

	FY 2001 Enacted	FY 2002 Enacted	FY 2003 Request	FY 2003 Req. v. FY 2002 Ena.
RCRA Enforcement State Grants	\$43,127.6	\$42,904.7	\$42,904.7	\$0.0
Regional Management	\$1,031.2	\$90.0	\$0.0	(\$90.0)
State Multimedia Enforcement Grants	\$0.0	\$0.0	\$15,000.0	\$15,000.0
State Pesticides Enforcement Grants	\$19,867.8	\$19,867.8	\$19,867.8	\$0.0
State Toxics Enforcement Grants	\$5,138.9	\$5,138.9	\$5,138.9	\$0.0

FY 2003 Request

The Agency's enforcement and compliance assurance program has been the centerpiece of efforts to provide a deterrent to pollution by ensuring compliance with environmental laws and regulations, and has achieved significant improvements in public health and the environment. By identifying and addressing violations of environmental statutes and regulations, the enforcement and compliance assurance program will work together with states and tribes toward continuous improvement in compliance with standards, permits, and other established requirements to mitigate and avoid environmental problems and their associated risks.

Given the scope of its responsibilities and the large, diverse universe of private, public, and federal facilities regulated under the various statutes, the Agency also will work to maximize its effectiveness by strategically targeting its compliance and enforcement activities to address the most significant risks to human health and the environment and to address disproportionate burden on certain populations. A strong compliance and enforcement program achieves environmental protection by identifying noncompliance problems, holding violators accountable and deterring future violations, while ensuring a level economic playing field for environmentally friendly companies.

State, tribal and local governments bear much of the responsibility for ensuring compliance. EPA will increase its efforts, through its new enforcement grant, to work with the states, tribes, and other Federal agencies to promote environmental protection. Further, EPA will cooperate with other nations to enforce and ensure compliance with international agreements affecting the environment. These activities also ensure a level economic playing field in an increasingly global trading system.

Environmental Enforcement

The Agency performs the compliance monitoring, civil enforcement, and criminal enforcement program activities in this objective. In FY 2003, the Agency's enforcement and compliance assurance program will measure its performance not only in terms of inspections and enforcement actions, but also in terms of pollutant reductions, and other human health and environmental outcomes the program produces. This Annual Plan contains annual performance goals and measures to show results such as reducing significant non-compliance and behavioral changes resulting from compliance assistance and enforcement efforts. These measures complement the traditional enforcement measures and portray a more complete picture of the environmental results of the enforcement and compliance assurance program.

Compliance Monitoring. The Agency reviews and evaluates the activities of the regulated community to determine compliance with applicable laws, regulations, permit conditions, settlement agreements, and to determine whether conditions presenting imminent and substantial endangerment exist. The majority of workyears devoted to compliance monitoring are provided to the regions to conduct investigations and on-site inspections including monitoring, sampling and emissions testing. Compliance monitoring activities are both environmental media- and sector-based. The traditional media-based inspections complement those performed by States and Tribes and are a key strategy for meeting the long-term and annual goals established for air, water, pesticides, toxic substances, and hazardous waste in the EPA Strategic Plan. The multi-media approaches, such as cross-media inspections, sector initiatives, and risk-based targeting allow the Agency to take a more holistic approach to protecting ecosystems and to solving the more intractable environmental problems. Under the Federal Facility Compliance Act (FFCA), EPA conducts hazardous waste inspections of all Federal treatment, storage and disposal (TSD) facilities. The program will also conduct single media and multimedia inspections to ensure compliance by Federal facilities.

To maintain EPA's expertise in field monitoring and to ensure compliance with EPA Order 3500.1, the Agency will support development of Inspectors' manuals, training modules, and delivery of training to Regional, State, and Tribal inspectors and program managers. The EPA Order 3500.1 establishes consistent Agency-wide training and development programs for employees leading environmental compliance inspections/field investigations to ensure that they have working knowledge of regulatory requirements, inspection methodology, and health and safety measures. The Order consists of a 3-level training program for compliance inspectors/field investigators: Occupational Health and Safety Curriculum, Basic Inspector Curriculum, and Program-Specific Curriculum. EPA compliance inspectors/field investigators must complete the required training before conducting a compliance inspection/field investigation. The materials will cover sampling tools, use of new technology including the use of EPA's information systems and training on conducting inspections as EPA moves to e-sign (a process where the inspection forms/reports are filled out electronically and certified as legal documents). Maintaining an effective inspection program depends on a well-trained workforce.

In FY 2003, EPA will review and respond to 100 percent of the notices for transboundary movement of hazardous waste, ensuring that these wastes are properly handled in accordance with

international agreements and Resource Conservation and Recovery Act (RCRA) regulations. Through analysis of notices, manifests, tracking documents, and Annual Reports, EPA monitors compliance with relevant regulations and takes enforcement actions as necessary. While the vast majority of the hazardous waste trade occurs with Canada, the U.S. also has agreements concerning international trade in hazardous wastes with Mexico, Malaysia, Costa Rica, and member countries of the Organization for Economic Cooperation and Development (OECD). In calendar year 2001, EPA responded to 1,431 notices regarding 7,682 distinct waste streams.

In FY 2003, the compliance monitoring program will continue to work with states and tribes to target areas that pose risks to human health or the environment, display patterns of noncompliance, or include disproportionately exposed populations. Media-specific and industry sector-based priorities have been established for the national program through the Office of Enforcement and Compliance Assurance's Memorandum of Agreement 2002/2003 guidance, developed in conjunction with the Regional offices, States and Tribes. These national priorities include: Ensuring Cleaner Water; (Clean Water Act-(Wet Weather) and Safe Drinking Water Act (Microbial Rules); Protecting Air Quality (Clean Air Act- (New Source Review/Prevention of Significant Deterioration, Petroleum Refinery Sectors and Air Toxics); and Better Management of Hazardous Wastes (RCRA-(Permit Evaders). The Office has also added two management priorities, Expand and Improve Compliance Assistance and Incentives Programs, and Improve Data Quality and Management.

In FY 2003, EPA estimates that it will conduct 14,000 inspections targeted to areas that pose risks to human health or the environment, display patterns of noncompliance, or include disproportionately-exposed populations. As part of this inspection target, the Agency plans to perform 2,000 inspections under the lead provisions of the Toxic Substances Control Act (TSCA).

Civil Enforcement. The Agency's civil enforcement program will address violations of environmental laws and ensure that violators come into compliance with these laws and regulations.

The civil enforcement program achieves the Agency's environmental goals through consistent, fair, and focused enforcement of all environmental statutes. The overarching goal of the civil enforcement program is to protect public health and the environment, and therefore, targets its actions based on health and environmental risk. Further, it aims to level the economic playing field by ensuring that violators do not realize an economic benefit from noncompliance, and seeks to deter future violations.

To accomplish these goals, the civil enforcement program is responsible for the development, litigation, and settlement of administrative and civil judicial cases against serious violators of priority environmental laws. The federal program will focus its resources on national environmental and human health problems, transboundary pollutants, and multi-state industrial violators. The Federal facilities enforcement program will continue to ensure that Federal facilities and Government-Owned-Contractor-Operated facilities conduct their activities in an environmentally sound manner and comply with all applicable laws, regulations, permits and executive orders.

In FY 2003, program management will provide direction to, set goals and priorities for, and evaluate and review the national enforcement program. Enforcement staff will develop guidance and policy for technical evaluations, investigations, and case development strategies which may include the use of injunctive relief, Supplemental Environmental Projects and other civil penalties as appropriate. Further, enforcement staff will participate in the development of, or revision to, regulations and interpretive guidance.

As part of the National Energy Plan, OECA will implement innovative procedures recently developed to allow facilities that are unable to start or expand energy production due to air quality permitting constraints to make these changes quickly while simultaneously obtaining the required permits and controlling their pollution. The Agency is working with utility and refinery companies that agree to settle claims of Clean Air Act violations to ensure that the agreements contain provisions that allow predicted capacity expansions to affected facilities. These provisions include emission credits or caps that allow them to make changes without triggering permit requirements.

Criminal Enforcement. The criminal enforcement program brings to bear the Agency's most powerful enforcement tool against the most significant environmental violations. By demonstrating that the regulated community will be held accountable for serious, willful statutory violations in terms of jail sentences and criminal fines, the program acts to forcefully deter violations of environmental laws and regulations in a way that civil judicial and administrative enforcement rarely do. EPA's special agents, located nationwide, will conduct criminal investigations, develop information to support grand jury inquiries and decisions, and work with other law enforcement agencies to present a highly visible and effective force in the Agency's enforcement strategy. Cases are referred to the U.S. Attorney's Offices of the Department of Justice for prosecution, with special agents serving as key witnesses in these judicial proceedings. The criminal enforcement program places particular emphasis on cooperation with state and local law enforcement through participation in task forces and enhancing capacity through specialized training and community policing efforts.

EPA's efforts to work more closely and cooperatively with industry are complemented by the criminal enforcement program as the Agency sends a clear message to the regulated community that those who choose to cooperate, in good faith, will reap the benefits of that partnership while those whose noncompliance is distinguished by culpable conduct can expect the serious implication of criminal investigation and prosecution. In FY 2003, EPA estimates that it will conduct 400 criminal investigations targeted to areas that pose risks to human health or the environment, display patterns of noncompliance, or include disproportionately exposed populations. EPA will also continue to develop and deploy a secure network to ensure proper handling of confidential law enforcement information used in the criminal program.

The Agency's forensic program provides specialized support for the nation's most complex civil and criminal enforcement cases and technical expertise for non-routine Agency compliance efforts. To effectively support these activities, the program must maintain state-of-the-art skills and equipment, capable of dealing with an increasingly sophisticated regulated community. EPA's National Enforcement Investigations Center (NEIC) is the only accredited environmental forensics

center in the world. Their Accreditation Standard has been customized to cover the civil, criminal, and special program work conducted by the program.

In FY 2003, the forensic program will complete an upgrade to meet International Standards of Operation for environmental data measurements to maintain accreditation. The program will also continue to develop emerging technologies in analytical techniques. Efforts to stay at the forefront of environmental enforcement will include the refinement of successful multi-media inspection approaches, use of customized lab methods to solve unusual enforcement case problems, and further development of a computer forensic expertise for use in seizure and recovery of data, and in investigative support related to computers and data fraud. In addition, the program will provide technical support for the initiatives identified as FY 2003 priorities in the civil program and will support the Agency's integrated compliance monitoring program using a unique process based approach.

Data Systems Modernization

Reliable, comprehensive and up-to-date data systems are key to EPA's ability to effectively target compliance monitoring for environmental problems in the highest priority sectors and to measure the effectiveness of its enforcement activities. The Agency will continue to maintain and support the fourteen information systems that house national enforcement and compliance data with less than 5% down-time. EPA will expand the development of Quality Management Plans (QMPs) building on those developed for the National Compliance Data Base/FIFRA and TSCA Tracking System, the Resource Conservation and Recovery Information System, and a final data quality audit for the Permit Compliance System (PCS). The Agency is developing a Data Quality Strategy focusing on: expansion of the public access and error correction functions of the Integrated Data for Enforcement Analysis system (IDEA) and the Online Targeting Information System (OTIS), objective verification of core data fields across systems and programs through random sampling technology, and resolution of data quality problems as they relate to interpretation of data definitions. In FY 2003, the Agency will have a QMP or equivalent in place for the initial release of the Integrated Compliance Information System (ICIS) and will begin modifications to the Plan to incorporate subsequent phases of ICIS (the National Permit Discharge Elimination System, Air, Toxics, and Pesticides).

In FY 2003, the Agency will continue its efforts in the phased implementation of ICIS. ICIS will be a consolidated enforcement and compliance information management system that will provide a single definitive source of information for the national enforcement and compliance assurance program. ICIS will consolidate and streamline enforcement and compliance information that is currently contained in fourteen existing systems. This new system will reduce burden and duplication by providing a single source for data entry, will improve public access to data, support the development of risk reduction strategies, and will provide states and Regions with a modernized system to meet their program management and accountability responsibilities. The Agency's modernization of the Permit Compliance System (PCS), which serves the permitting and enforcement program needs of the National Pollutant Discharge Elimination System, will be conducted concurrently with the phased implementation of ICIS in FY 2003.

In addition, in FY 2003, EPA will provide a range of modernization efforts. For the NPDES program, PCS will be in the completion of system software development stage, training and implementation stage, providing desktop, web based access to State and EPA managers and staff as well as providing greater public access to timely and accurate environmental data. The modernization of the AIRS Facilities System (AFS), will commence the design stage. Replacement of these systems is key to the Agency's ability to use the significant amount of information collected from the States and localities to direct and manage the permitting and enforcement programs.

State, Tribal, and International Capacity Building

A strong state and tribal enforcement and compliance assurance presence is essential to EPA's long-term strategic plan objective to identify and reduce significant noncompliance in high priority areas while maintaining a strong enforcement presence in all regulatory program areas. Most of the Nation's environmental laws envision a strong role for state governments in implementing and managing environmental programs. In FY 2003, the enforcement and compliance assurance program will continue support to state agencies implementing authorized, delegated, or approved environmental programs through the new enforcement grant program. Consistent with regulations and Agency policy, EPA will provide an appropriate level of oversight and guidance to states to ensure that environmental regulations are fairly and consistently enforced across the Nation.

EPA works with Indian tribes on a government-to-government basis to identify enforcement, compliance assistance, and capacity building issues affecting tribal lands. The Agency's goal is to help tribes develop their own enforcement and compliance assistance programs so that they can assume greater management of environmental programs in Indian Country. In FY 2003, the enforcement and compliance assurance program will continue to implement the Indian Program Strategy which will direct federal enforcement, tribal enforcement, and compliance capacity-building efforts. By monitoring and evaluating progress made, EPA will ensure that the plan's commitments are met in a timely fashion. These efforts will help implement the Agency-wide Indian Policy of working with tribal governments as full partners to enhance protection of the public health and the environment on tribal lands.

The state and tribal grant programs are designed to build environmental partnerships with states and tribes and to strengthen their ability to address environmental and public health threats. These threats include contaminated drinking water, pesticides in food, hazardous waste, toxic substances, and air pollution. In FY 2003, the enforcement and compliance assurance program will continue to award state and tribal enforcement grants to assist in the implementation of the enforcement grant program and continued implementation of the compliance and enforcement provisions of the Toxic Substances Control Act (TSCA) and the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). These grants support state and tribal compliance activities to protect the environment from harmful chemicals and pesticides. The enforcement component of RCRA state grants is also included in this objective.

- The Agency will provide \$15 million to assist states and tribes in enforcing the environmental laws delegated to their states. These funds will allow states to assume greater responsibility for improving compliance with environmental laws and regulations through the use of enforcement and other tools.
- Under the Pesticides Enforcement Grant program, EPA provides resources to states and Indian tribes to conduct FIFRA compliance inspections and take appropriate enforcement actions, and implement programs for farm worker protection.
- States receive toxic substances grant funding for compliance inspections of asbestos and PCBs and for implementation of the state lead enforcement program. The funds will complement other Federal program grants for building state capacity for lead abatement, and enhancing compliance with disclosure, certification and training requirements. States will be encouraged to direct their compliance monitoring efforts toward entities most affected by the PCB AMega Rule. This rule increased the number and type of units which are required to register with EPA and the additional funding will assist the states to focus on inspection and compliance assistance activities to entities who fail to timely register PCB equipment, correctly mark PCB equipment, and to provide information to the regulating authority under the PCB Mega Rule. In the asbestos program, the increase will allow the Agency to assist States to focus on: 1) additional state asbestos AHERA inspections and compliance assistance with emphasis on Charter Schools; and 2) developing and conducting asbestos training courses that incorporate both the AHERA and NESHAP programs. In addition, the increase will be used to fund newly authorized states under the TSCA lead program.
- EPA will also provide the States grant funding to inspect federal, state, and local RCRA facilities that store, treat, or dispose of hazardous waste. Inspections will emphasize compliance with facility-specific requirements or interim status requirements. RCRA enforcement orders and supplemental environmental projects will incorporate waste minimization provisions, where appropriate.

The Agency also provides single media enforcement grants to the states which are funded under other environmental goals supporting air and water programs.

Meeting its objective of achieving the benefits of environmental requirements through an enforcement presence requires EPA to effectively implement international commitments for enforcement and compliance cooperation with other countries, especially those along the U.S. border. Through such arrangements, EPA works to reduce environmental risks to U.S. citizens from external sources of pollution, as well as to prevent or reduce the impact of pollution origination in the United States.

Enforcement Training

The Agency's enforcement training program is mandated by the Pollution Prosecution Act to provide environmental enforcement training nationally through the National Enforcement Training Institute (NETI). is mandated by the Pollution Prosecution Act to provide environmental enforcement training nationally. The program oversees the design of core and specialized enforcement courses and their delivery to lawyers, inspectors, civil and criminal investigators and technical experts. In FY 2003, the program continue development of a training center on the Internet. ANETI Online@ will offer timely, targeted technical training courses to as wide an audience as possible, providing a structure for developing and tracking individual training plans and management of the program's training delivery processes.

The Agency also provides specialized classroom training in criminal environmental law enforcement at the Department of Treasury's Federal Law Enforcement Training Center (FLETC) in Glynco, GA. FLETC was developed to train law enforcement personnel who carry firearms. The program develops and delivers basic and advanced training to EPA Special Agents and their state, local and tribal partners across the United States and in selected counties worldwide. FLETC provides one of the few opportunities for state, local, and tribal enforcement professionals to obtain criminal investigations training. In FY 2003, the enforcement training program will further enhance opportunities for hands-on training with the development of a practical exercise facilities in Denver, Colorado.

Homeland Security Enforcement

With the events of September 11, 2001, and the establishment of the Office of Homeland Security, the EPA has taken on expanded responsibilities for counter terrorism and anti-terrorism activities. As the subject matter expert for environmental crimes involving weapons on mass destruction, biological, and chemical attacks, EPA criminal enforcement program plays a critical role in performing crisis management (i.e., law enforcement) roles and responsibilities under Presidential Decision Directive 39. In FY 2003, Special Agents will provide environmental crimes expertise to the Federal Bureau of Investigation's (FBI) Joint Terrorism Task Forces and the Department of Justice's (DOJ) Anti-Terrorism Tasks Forces. Staff will also form five National Counter Terrorism Response Teams to coordinate with FBI field offices, perform protective duty services for the Administrator's Office and provide on-site investigative support for designated National Security Special Events. Additionally, experts at the National Enforcement Investigations Center (NEIC) will respond with technical support in the event of a terrorist caused release of hazardous chemicals. As part of the Federal Counter Terrorism response, NEIC's staff provide on-scene technical and scientific advise, forensic evidence collection and chemical identification of released substances.

FY 2003 Change from FY 2002 Enacted

EPM

- (-\$5,618,500) The Supplemental appropriation Congress provided in FY 2002 for Homeland Security efforts were not requested in FY 2003
- (-\$8,180,000, -81.8 FTE) Reduction to support the new multimedia enforcement grant program to the states.
- (-\$1,623,400) Resources, dollars and FTE, associated with rent are allocated in proportion to Agency-wide FTE located in each goal, objective. Resources, dollars and FTE, associated with utilities, security, and human resource operations are allocated in proportion to Headquarters FTE located in each goal and objective. Changes reflect shifts in FTE between goals and objectives. Resources, dollars, and FTE associated with contracts and grants are allocated in proportion to Headquarters' contracts and grants resources located in each goal and objective. Changes in these activities reflect shifts in resources between goals and objectives. *(Total changes - rent: -\$3,569,400, utilities: +\$3,468,000, Security: -\$9,103,900. Nominal increases/decreases occurred in human resource operations, grants, and contracts related activities.)*

STAG

- (+\$15,000,000) Increase will provide new enforcement grants to the states.

Superfund

- (-\$1,392,000, -10 FTE). The Supplemental appropriation Congress provided in FY 2002 for Homeland Security efforts were not requested in FY 2003
- (+\$637,200) Resources, dollars, and FTE associated with rent are allocated in proportion to Agency-wide FTE located in each goal and objective. Resources, dollars, and FTE associated with utilities, security and human resource operations are allocated in proportion to Headquarters FTE located in each goal and objective. Changes reflect shifts in FTE between goals and objectives. Resources, dollars, and FTE associated with contracts and grants are allocated in proportion to Headquarters' contracts and grants resources located in each goal, objective. Changes in these activities reflect shifts in resources between goals and objectives. *(Total changes - rent: -\$3,569,400, utilities: +\$3,468,000, Security: -\$9,103,900. Nominal increases/decreases occurred in human resource operations, grants and contracts related activities.)*

FY 2003 Change from FY 2002 Enacted

EPM

- (-\$1,780,000, -17.8 FTE) Reduction to support the new multimedia enforcement grant program to the states.

Annual Performance Goals and Measures

Non-Compliance Reduction

In 2003 EPA will direct enforcement actions to maximize compliance and address environmental and human health problems.

In 2002 EPA will direct enforcement actions to maximize compliance and address environmental and human health problems; 75% of concluded enforcement actions will require environmental or human health improvements such as pollutant reductions and/or changes in practices at facilities.

In 2001 EPA directed enforcement actions to maximize compliance and address environmental and human health problems.

Performance Measures:	FY 2001 Actual	FY 2002 Enacted	FY 2003 Request	
Millions of pounds of pollutants required to be reduced through enforcement actions settled this fiscal year.(core optional)	660	300	300	M pounds
75% of concluded enforcement actions require physical action that result in pollutant reductions and/or changes in facility management or information practices. OECA will break out the %.	74	75	75	Percent
Develop and use valid compliance rates or other indicators of compliance for selected populations.	6	5	5	Populations
Reduce by 2 percentage points overall the level of significant noncompliance recidivism among CAA, CWA, and RCRA programs from FY 2000 levels	2.4	2		PercentagePoint
Increase by 2 percent over FY 2000 levels the proportion of significant noncomplier facilities under CAA, CWA, and RCRA which returned to compliance in less than two years. (core required)	1.33	2		PercentagePoint
Produce report on the number of civil and criminal enforcement actions initiated and concluded.		1		Report
Maintain or reduce the level of significant noncomplier recidivism under the CAA.			<=25	percent
Maintain or reduce the level of significant noncomplier recidivism under the CWA.			<=55	percent
Maintain or reduce the level of significant noncomplier recidivism under RCRA.			<=17	percent
Maintain or decrease the proportion of significant noncomplier facilities under CAA which returned to compliance in more than two years.			<=15	percent
Maintain or decrease the proportion of significant noncomplier facilities under CWA which returned to compliance in more than two years.			<=19	percent
Maintain or decrease the proportion of significant noncomplier facilities under RCRA which returned to			<=15	percent

Performance Measures:	FY 2001 Actual	FY 2002 Enacted	FY 2003 Request
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compliance in more than two years.

Baseline: Protecting the public and the environment from risks posed by violations of environmental requirements is basic to EPA's mission. To develop a more complete picture of the results of the enforcement and compliance program, EPA has initiated a number of performance measures designed to capture the results of lowering the timeline for significant noncompliers to return to compliance, reducing noncompliance recidivism rates, and improvements in facility process and/or management practices through behavioral changes. The baseline rates for many of these measures were established in FY00. These measures will complement the traditional enforcement measures of inspections and enforcement actions to provide a more complete picture of environmental results from the enforcement and compliance program.

Inspections/Investigations

- In 2003 EPA will conduct inspections, criminal investigations, and civil investigations targeted to areas that pose risks to human health or the environment, display patterns of non-compliance, or include disproportionately exposed populations.
- In 2003 EPA will provide direct investigative, forensic, and technical support to the Office of Homeland Defense, FBI and /or other federal, state and local law enforcement agencies to help detect and prevent, or respond to, terrorist-related environmental, biological or chemical incidents.
- In 2002 EPA will conduct inspections, criminal investigations, and civil investigations targeted to areas that pose risks to human health or the environment, display patterns of non-compliance or include disproportionately exposed populations.
- In 2001 EPA conducted inspections and civil and criminal investigations targeted to areas with patterns of non-compliance, that pose risks to human health or the environment, or include disproportionately exposed populations.

Performance Measures:	FY 2001 Actual	FY 2002 Enacted	FY 2003 Request	
Number of EPA inspections conducted (core required)	17,812	15500	14000	inspections
Number of Criminal Investigations	482	400	400	Investigations
Develop a list of high priority facilities in Indian country for the enforcement and compliance program.	1			list
Number of Civil Investigations	368	200	180	Investigations
Establish minimum core compliance monitoring program for selected high priority facilities in Indian country.		5	4	Percent
EPA will respond to investigative leads that relate to security of homeland environment, FBI requests for support, and participate in all National Special Security Events as requested.			100	percent

Baseline: The compliance monitoring program works with states and tribes to target areas that pose risks to human health or the environment, display patterns of noncompliance, or include disproportionately exposed populations. The number of inspections projected varies each year by the complexity of facilities targeted. In FY03, EPA will maintain its enforcement presence by conducting at least 14,000 inspections, 400 criminal investigations and 180 civil investigations.

Quality Assurance

- In 2003 Identify noncompliance, and focus enforcement and compliance assurance on human health and environmental problems, by maintaining and improving quality and accuracy of data.
- In 2002 Maintain and improve quality and accuracy of EPA's enforcement and compliance data to identify noncompliance and focus on human health and environmental problems.
- In 2001 EPA maintained and continued to improve enforcement and compliance data used to identify noncompliance and focus on human health and environmental problems.

Performance Measures:	FY 2001	FY 2002	FY 2003
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	Actual	Enacted	Request	
Complete Phase I of Integrated Compliance Information System (ICIS) development (programming) and begin Phase II.	1			Phase
Operate 14 information systems housing national enforcement and compliance assurance data with a minimum of 95% operational efficiency.	95	95		Percent
Design and develop Phase II of ICIS (modernization of the Permit Compliance System (PCS)) by September 2003.			1	Data System
Have Phase I of the Integrated Compliance Information system ICIS fully operational in March 2002.		1		Phase
Ensure that enf. and compl. data is reported in 14 nat. info. systems to provide Fed. and state programs accurate and timely data through which env. and human health problems can be identified.			95	efficiency

Baseline: EPA's ability to target and measure effectiveness of its enforcement activities depends upon reliable and up-to-date data systems. EPA's 14 data systems will continue to operate at 95% or better operational efficiency. In conjunction with the operation and maintenance of existing systems, EPA will continue its system modernizing efforts and improve data integration and consistency.

Capacity Building

In 2003 Improve capacity of states, localities and tribes to conduct enforcement and compliance programs. EPA will provide training as well as assistance with state and tribal inspections to build capacity, including implementation of the inspector credentials program for tribal law enforcement personnel.

In 2002 Improve capacity of states, localities and tribes to conduct enforcement and compliance programs. EPA will provide training as well as assistance with state and tribal inspections to build capacity, including implementation of the inspector credentials program for tribal law enforcement personnel.

In 2001 OECA improved the capacity of states, localities and tribes to conduct enforcement and compliance programs.

Performance Measures:	FY 2001 Actual	FY 2002 Enacted	FY 2003 Request	
Number of EPA training classes/seminars delivered to states, localities and tribes to build capacity.		200		Classes
Conduct EPA-assisted inspections to help build state program capacity	895	400	250	Inspections
The National Enforcement Training Institute will train Tribal personnel.	428			personnel
Provide tribal governments with 50 computer-based training (CBT) modules.	235	50	50	Training module
Total number of state and local students trained.		4900		Students
Train Tribal personnel.		95		Personnel

Baseline: Improve capacity of states, localities and tribes to conduct enforcement and compliance programs by providing training as well as assistance with state and tribal inspections.

International Enforcement

In 2003 Ensure compliance with legal requirements for proper handling of hazardous waste imports and exports.

In 2002 Ensure compliance with legal requirements for proper handling of hazardous waste imports and exports.

In 2001 EPA did ensure compliance with legal requirements for proper handling of hazardous waste imports and exports.

Performance Measures:	FY 2001	FY 2002	FY 2003	
	Actual	Enacted	Request	
Track, consent to, and /or acknowledge the movement of haz.wastes into and out of the U.S. to ensure proper management to protect the env. and public health and safety.			100	percent

Baseline: In FY03, EPA will review and respond to 100 percent of the notices for transboundary movement of hazardous waste, ensuring that these wastes are properly handled in accordance with international agreements and the Resource Conservation and Recovery Act regulations.

Verification and Validation of Performance Measures

Performance Measure (PM): 75% of concluded enforcement actions require physical action that result in pollutant reductions and/or changes in facility management or information practices. OECA will breakout the percentage among, physical, facility management and information practices.

Performance Database: Docket, which tracks EPA civil, judicial, and enforcement actions.

Data Source: The data for Docket are generated through the use of the Case Conclusion Data Sheet (CCDS), which Agency staff prepare after the conclusion of each criminal and civil (judicial and administrative) enforcement action. EPA implemented the CCDS in 1996 to capture relevant information on the results and environmental benefits of concluded enforcement cases. The information generated through the CCDS is used to track progress for several of the performance measures. The CCDS form consists of 27 specific questions which, when completed, describe specifics of the case; the facilities; information on how the case was concluded; the compliance actions required to be taken by the defendant(s); the costs involved; information on any Supplemental Environmental Project to be undertaken as part of the settlement; the amounts and types of any penalties assessed; and any costs recovered through the action, if applicable. The CCDS requires that the staff identify if the facility/defendant, through injunctive relief, must: (1) reduce pollutants; and (2) improve management practices to curtail, eliminate or better monitor and handle pollutants in the future. For actions which result in pollution reductions, the staff estimate the amounts of pollution reduced over the lifetime of the enforcement action. There are established procedures for the staff to calculate, by statute, (e.g., Clean Water Act), the pollutant reductions or eliminations. The procedure first entails the staff's determining the difference between the current Aout of compliance@ concentration of the pollutant(s) and the post enforcement action Ain compliance@ concentration. This difference is then converted to mass per time using the flow or quantity information derived during the case.

QA/QC Procedures: Quality Assurance/Quality Control procedures are in place for both the CCDS and Docket entry. Separate CCDS Calculation and Completion Checklists are required to be filled out at the time the CCDS is completed.

Data Quality Review: Information contained in the CCDS and Docket are reviewed by regional and headquarters staff for completeness and accuracy.

Data Limitations: EPA has evaluated CCDS and noted several areas affecting data quality and has taken steps to address them. The problem areas included: a lack of consistency in the time frames used in reporting pollutant reductions from a case, and missing and misreported pollutant reduction data. One of the principal reasons for the problems identified was a lack of adequate guidance to staff on the preparation of the CCDS. The pollutant reductions or eliminations reported through the CCDS are estimates of what will be achieved if the defendant carries out the requirements of the settlement.

New & Improved Data or Systems: In November 2000, EPA completed a comprehensive guidance package on the preparation of the Case Conclusion Data Sheet. This guidance, issued to headquarters and regional managers and staff, was made available in print and CD-ROM. Both versions contain work examples to ensure better calculation of the amounts of pollutants reduced or eliminated through concluded enforcement actions. EPA is also planning to host CCDS training in each of its ten regional offices during FY 2002.

Performance Measure (PM): Millions of pounds of pollutants required to be reduced through settled enforcement actions. (Core optional)

Performance Database: Docket, which tracks EPA civil, judicial and enforcement actions.

Data Source: The data for Docket are generated through the use of the Case Conclusion Data Sheet (CCDS), which Agency staff prepare after the conclusion of each criminal and civil (judicial and administrative) enforcement action. EPA implemented the CCDS in 1996 to capture relevant information on the results and environmental benefits of concluded enforcement cases. The information generated through the CCDS is used to track progress for several of the performance measures. The CCDS form consists of 27 specific questions which, when completed, describe specifics of the case; the facilities; information on how the case was concluded; the compliance actions required to be taken by the defendant(s); the costs involved; information on any Supplemental Environmental Project to be undertaken as part of the settlement; the amounts and types of any penalties assessed; and any costs recovered through the action, if applicable. The CCDS requires that the staff identify if the facility/defendant, through injunctive relief, must: (1) reduce pollutants; and (2) improve management practices to curtail, eliminate or better monitor and handle pollutants in the future. For actions which result in pollution reductions, the staff estimate the amounts of pollution reduced over the lifetime of the enforcement action. There are established procedures for the staff to calculate, by statute, (e.g., Clean Water Act), the pollutant reductions or eliminations. The procedure first entails the staff's determining the difference between the current A_{out} of compliance@ concentration of the pollutant(s) and the post enforcement action A_{in} compliance@ concentration. This difference is then converted to mass per time using the flow or quantity information derived during the case.

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Performance Measure (PM): Develop and use valid compliance rates or other indicators of compliance for selected populations.

Performance Databases: The Permit Compliance System (PCS) tracks National Pollutant Discharge Elimination System (NPDES) permit and enforcement actions, as well as reporting and scheduling requirements. The Airs Facility Subsystem (AFS) captures emission, compliance and permit data for major stationary sources of air pollution. The Resource Conservation and Recovery Act Information System (RCRAInfo) supports permit, compliance, and corrective action activities carried out by the hazardous waste handlers.

Data Source: EPA regional offices, and delegated states.

QA/QC Procedures: All of the systems have been developed in accordance with the Office of Information Management's Lifecycle Management Guidance, which includes data validation processes, internal screen audit checks and verification, system and user documents, data quality audit reports, third-party testing reports, and detailed report specifications for showing how data are calculated.

Data Quality Review: Regarding AFS, EPA Inspector General (IG) reports in 1997 and 1998 highlighted states' problems with identifying and reporting significant violators of the Clean Air Act, impairing EPA's ability to assess non-compliance. EPA issued High Priority Violator Guidance to improve tracking of sources of violations. As a result of the reports, EPA has enhanced oversight and headquarters' outreach to regions, states, local areas.

Data Limitations: For all systems, there are concerns about quality and completeness of data and the ability of existing systems to meet data needs. Incompatible database structures/designs and

differences in data definitions impede integrated analyses. Additionally, there are incomplete data available on the universe of regulated facilities because not all are inspected/permitted. Further complicating the issue, significant violator definitions changed for the RCRA program in 1996 and for the Air program in Fiscal Year 1999. These differences within and across programs make long-term data comparison impractical.

New & Improved Data or Systems: PCS modernization is underway. EPA is preparing Quality Management Plans (data quality objectives, quality assurance project plans, baseline assessments) for all major systems. A new Integrated Compliance Information System (ICIS) will support core program needs and consolidate and streamline existing systems. A pilot project to develop statistically valid compliance rates for selected universes of regulated facilities is underway. Also, a National Performance Measure Strategy project on the impact of EPA strategies on recidivism focuses attention on better compliance assurance targeting, i.e., monitoring, compliance assistance, incentives and enforcement.

Performance Measure (PM): Number of EPA inspections conducted.

Performance Databases: Integrated Data for Enforcement Analysis (IDEA) integrates data from major enforcement and compliance systems, such as the Permit Compliance System (PCS), Air Facilities Subsystem (AFS), Resource Conservation and Recovery Act Information System (RCRAInfo), and Emergency Response Notification system (ERNS).

Data Source: EPA regional offices.

QA/QC Procedures: All the systems have been developed in accordance with the Office of Information Management's Lifecycle Management Guidance, which includes data validation processes, internal screen audit checks and verification, system and user documents, data quality audit reports, third-party testing reports, and detailed report specifications for showing how data are calculated.

Data Quality Review: Regarding AFS, EPA Inspector General (IG) reports in 1997 and 1998 highlighted states' problems with identifying and reporting significant violators of the Clean Air Act, impairing EPA's ability to assess non-compliance. EPA issued High Priority Violator Guidance to improve tracking of sources of violations. As a result of the reports, EPA has enhanced oversight and headquarters' outreach to regions, states, local areas.

Data Limitations: For all systems, there are concerns about quality and completeness of data and the ability of existing systems to meet data needs. Incompatible database structures/designs and differences in data definitions impede integrated analyses. Additionally, there are incomplete data available on the universe of regulated facilities because not all are inspected/permitted. In addition, the target is based on a preliminary estimate of the impact of redirecting resources to the state and tribal enforcement grant program.

New & Improved Data or Systems: PCS modernization is underway. EPA is preparing Quality Management Plans (data quality objectives, quality assurance project plans, baseline assessments) for all major systems. A new Integrated Compliance Information System (ICIS) will support core program needs and consolidate and streamline existing systems. A pilot project to develop statistically valid compliance rates is underway.

Performance Measure (PM): Number of criminal investigations

Performance Databases: The Criminal Docket System (CRIMDOC) is a criminal case management, tracking, and reporting system. Information about criminal cases investigated by the U.S. EPA-Criminal Investigation Division (CID) is entered into CRIMDOC at case initiation, and investigation and prosecution information is tracked until case conclusion.

Data Source: U.S. EPA-CID offices.

QA/QC Procedures: The system administrator performs regularly scheduled quality assurance/quality control checks of the CRIMDOC database to validate data and to evaluate and recommend enhancements to the system.

Data Quality Review: N/A

Data Limitations: N/A

New & Improved Data or Systems: A new case management, tracking, and reporting system (Case Reporting System) is currently being developed that will replace CRIMDOC. This new system will be a more user-friendly database with greater tracking, management, and reporting capabilities.

Congressional Performance Measure (PM): Number of civil investigations

Performance Databases: Integrated Data for Enforcement Analysis (IDEA) integrates data from major enforcement and compliance systems, such as the Permit Compliance System (PCS), Air Facilities Subsystem (AFS), Resource Conservation and Recovery Act Information System (RCRAInfo), and Emergency Response Notification system (ERNS).

Data Source: EPA Regional offices.

QA/QC Procedures: All the systems have been developed in accordance with the Office of Information Management's Lifecycle Management Guidance, which includes data validation processes, internal screen audit checks and verification, system and user documents, data quality audit reports, third-party testing reports, and detailed report specifications for showing how data are calculated.

Data Quality Review: Regarding AFS, EPA Inspector General (IG) reports in 1997 and 1998 highlighted states' problems with identifying and reporting significant violators of the Clean Air Act, impairing EPA's ability to assess non-compliance. EPA issued High Priority Violator Guidance to improve tracking of sources of violations. As a result of the reports, EPA has enhanced oversight and headquarters' outreach to regions, states, local areas.

Data Limitations: For all systems, there are concerns about quality and completeness of data and the ability of existing systems to meet data needs. Incompatible database structures/designs and differences in data definitions impede integrated analyses. Additionally, there are incomplete data available on the universe of regulated facilities because not all are inspected/permited. In addition, the target is based on a preliminary estimate of the impact of redirecting resources to the state and tribal enforcement grant program.

New & Improved Data or Systems: PCS modernization is underway. EPA is preparing Quality Management Plans (data quality objectives, quality assurance project plans, baseline assessments) for all major systems. A new Integrated Compliance Information System (ICIS) will support core program needs and consolidate and streamline existing systems. A pilot project to develop statistically valid compliance rates is underway.

Performance Measure (PM): Conduct EPA-assisted inspections to help build state program capacity.

Performance Database: Output measure; internal regional tracking system.

Data Source: Internal regional tracking system.

QA/QC Procedures: Regional and headquarters' managers check information to confirm accuracy.

Data Quality Review: None

Data Limitations: None

New & Improved Data or Systems: None

Performance Measure (PM): Ensure that enforcement and compliance data is reported in 14 national information systems to provide Federal and state programs accurate and timely data through which environmental and human health problems can be identified.

Performance Database: No database; internal tracking of measure.

Data Source: None

QA/QC Procedures: None

Data Quality Review: None

Data Limitations: None

New & Improved Data or Systems: None

FY 2003 Congressional Performance Measure (PM): Design and develop Phase II of ICIS (i.e., modernization of Permit Compliance System) by September 2003.

Performance Database: No database; internal tracking of measure.

Data Source: None

QA/QC Procedures: Contained within the project design

Data Quality Review: None

Data Limitations: None

New & Improved Data or Systems: None

Performance Measure (PM): EPA will respond to 100% of the following activities: investigative lease that relate to the security of homeland environment, FBI requests for investigative, forensic or technical support; and participations in all National Special Security Events (NSSE) identified by the Office of Homeland Defense, as requested by the Secret Service.

Performance Databases: The Criminal Docket System (CRIMDOC) is a criminal case management, tracking and reporting system. Information about criminal cases investigated by the U.S. EPA-CID (Criminal Investigation Division) is entered into CRIMDOC at case initiation, and investigation and prosecution information is tracked until case conclusion.

Data Source: U.S. EPA-CID offices.

QA/QC Procedures: The system administrator performs regularly scheduled quality assurance/quality control checks of the CRIMDOC database to validate data and to evaluate and recommend enhancements to the system.

Data Quality Review: N/A

Data Limitations: N/A

New & Improved Data or Systems: A new case management, tracking and reporting system (Case Reporting System) is currently being developed that will replace CRIMDOC. This new system will be a more user-friendly database with greater tracking, management and reporting capabilities.

Coordination with Other Agencies

The Enforcement and Compliance Assurance program coordinates closely with the Department of Justice (DOJ) on all enforcement matters. In addition, the program coordinates with other agencies on specific environmental issues as described below.

The Civil Enforcement and Compliance Monitoring program coordinates with the Chemical Safety and Accident Investigation Board, the Occupational Safety and Health Administration, and Agency for Toxic Substances and Disease Registry in preventing and responding to accidental releases and endangerment situations; with the Bureau of Indian Affairs on tribal issues relative to compliance with environmental laws on Tribal Lands, and with the Small Business Administration on the implementation of the Small Business Regulatory Enforcement Fairness Act (SBREFA).

The Water Enforcement and Compliance Monitoring program coordinates with the U.S. Army Corps of Engineers on wetlands. Moreover, due to changes in the Food Security Act, the U.S. Department of Agriculture/Natural Resources Conservation Service (USDA/NRCS) has a major role in the determination of whether areas on agricultural lands meet the definition of wetlands and are therefore regulated under the Clean Water Act. Civil Enforcement coordinates with USDA/NRCS on these issues also. Finally, the program coordinates closely with the Department of Agriculture on the implementation of the Unified National Strategy for Animal Feedlot Operations.

The Toxics and Pesticides Enforcement and Compliance Monitoring program coordinates with USDA on food safety issues arising from the misuse of pesticides, and shares joint jurisdiction with Federal Trade Commission (FTC) on pesticide labeling and advertising. EPA and the Food and Drug Administration (FDA) share jurisdiction over general purpose disinfectants used on non-critical surfaces and some dental and medical equipment surfaces (e.g., wheelchairs). Finally, the Agency has entered into a Memorandum of Understanding with the Department of Housing and Urban Development concerning lead poisoning.

The Criminal Enforcement program coordinates with other federal law enforcement agencies (i.e. FBI, Customs, Treasury, U.S. Coast Guard, DOJ) and with state and local law enforcement organizations in the investigation and prosecution of environmental crimes. EPA is also actively working with DOJ to establish task forces which bring together federal, state, and local law enforcement organizations to address environmental crimes. In addition, the National Enforcement Training Institute has an Interagency Agreement with the Department of Treasury to provide specialized criminal environmental training to federal, state, local, and tribal law enforcement personnel at the Federal Law Enforcement Training Center (FLETC) in Glynco, GA. NETI also coordinates with four state associations who provide training for state and local officials.

Under Executive Order 12088, EPA is directed to provide technical assistance to other Federal agencies to help ensure their compliance with all environmental laws. The Federal Facility Enforcement Program coordinates with other Federal agencies, states, and local and tribal governments to ensure compliance by federal agencies with all environmental laws.

The Civil Enforcement and Compliance Monitoring programs work closely with the states and tribes. States perform the vast majority of inspections and enforcement actions. Most EPA statutes envision a partnership between EPA and the states under which EPA develops national standards and policies and the states implement the program under authority delegated by EPA. If a state elects not to take delegation of a program, EPA has a mandatory duty to implement that program in the state. Historically, the level of delegation has increased as programs mature and state capacity has expanded, and many of the key environmental programs are approaching full delegation. EPA will increase its effort to coordinate with states on training and capacity building and on enforcement.

EPA works directly with Canada and Mexico bilaterally and in the trilateral Commission for Environmental Cooperation (CEC). EPA's border activities require close coordination with the U.S. Customs Service, the Fish and Wildlife Service, the Department of Justice, and the States of Arizona, California, New Mexico, and Texas.

Statutory Authorities

Resource Conservation and Recovery Act sections 3007, 3008, 3013, and 7003 (42 U.S.C. 6927, 6928, 6934, 6973)

Comprehensive Environmental Response, Compensation, and Liability Act sections 106, 107, 109, and 122 (42 U.S.C. 9606, 9607, 9609, 9622)

Clean Water Act (CWA) sections 308, 309, and 311 (33 U.S.C. 1318, 1319, 1321)

Safe Drinking Water Act sections 1413, 1414, 1417, 1422, 1423, 1425, 1431, 1432, 1445 (42 U.S.C. 300g-2, 300g-3, 300g-6, 300h-1, 300h-2, 300h-4, 300i, 300i-1, 300j-4)

Clean Air Act sections 113, 114, and 303 (42 U.S.C. 7413, 7414, 7603)

Toxic Substances Control Act (TSCA) sections 11, 16, and 17 and TSCA Titles II and IV (15 U.S.C. 2610, 2615, 2616, 2641-2656, 2681-2692)

Emergency Planning and Community Right-to-Know Act sections 325 and 326 (42 U.S.C. 11045, 11046)

Federal Insecticide, Fungicide, and Rodenticide Act sections 8, 9, 12, 13, and 14 (7 U.S.C. 136f, 136g, 136j, 136k, 136l)

Ocean Dumping Act sections 101, 104B, 105, and 107 (33 U.S.C. 1411, 1414B, 1415, 1417)

North American Agreement on Environmental Cooperation

1983 La Paz Agreement on US/Mexico Border Region

National Environmental Policy Act (NEPA) section 102(f)

Pollution Prosecution Act of 1990 (42 U.S.C. section 4321 note)

Environmental Protection Agency

FY 2003 Annual Performance Plan and Congressional Justification

A Credible Deterrent to Pollution and Greater Compliance with the Law

Objective: Promote Compliance Through Incentives and Assistance.

EPA and its state, tribal, and local partners will promote the regulated community's compliance with environmental requirements through voluntary compliance incentives and assistance programs.

Resource Summary (Dollars in Thousands)

	FY 2001 Actuals	FY 2002 Enacted	FY 2003 Request	FY 2003 Req. v. FY 2002 Ena.
Promote Compliance Through Incentives and Assistance.	\$56,396.7	\$55,768.5	\$55,872.4	\$103.9
Environmental Program & Management	\$51,367.9	\$52,953.9	\$53,043.0	\$89.1
Hazardous Substance Superfund	\$899.9	\$605.3	\$620.1	\$14.8
State and Tribal Assistance Grants	\$4,128.9	\$2,209.3	\$2,209.3	\$0.0
Total Workyears	419.0	416.6	398.1	-18.5

Key Program (Dollars in Thousands)

	FY 2001 Enacted	FY 2002 Enacted	FY 2003 Request	FY 2003 Req. v. FY 2002 Ena.
Administrative Services	\$677.2	\$0.0	\$0.0	\$0.0
Capacity Building	\$540.0	\$614.0	\$929.7	\$315.7
Compliance Assistance and Centers	\$24,228.3	\$25,328.7	\$24,728.7	(\$600.0)
Compliance Incentives	\$10,071.8	\$9,810.7	\$9,397.3	(\$413.4)
Facilities Infrastructure and Operations	\$3,326.7	\$5,336.7	\$5,724.0	\$387.3
Legal Services	\$239.7	\$296.0	\$321.0	\$25.0
Management Services and Stewardship	\$276.4	\$860.4	\$1,004.0	\$143.6
NEPA Implementation	\$10,847.5	\$11,280.6	\$11,548.4	\$267.8
Public Access	\$179.3	\$0.0	\$0.0	\$0.0
Regional Management	\$8.3	\$32.1	\$10.0	(\$22.1)
Sector Grants	\$2,209.3	\$2,209.3	\$2,209.3	\$0.0

FY 2003 Request

The enforcement and compliance assurance program uses voluntary compliance incentives and assistance to increase compliance with regulatory requirements and reduce adverse public health and environmental problems. By providing compliance incentives to the regulated community, the Agency motivates and enhances the capacity of the regulated community to fully comply with the law and to voluntarily and promptly disclose and correct violations before they come to the attention of the government.

The Agency also provides compliance assistance to the regulated community. By providing clear and consistent descriptions of regulatory requirements and information on how to comply, EPA assures that the community understands its obligations. Compliance assistance can also help regulated industries find cost-effective ways to comply with environmental requirements through the use of pollution prevention and innovative technologies and enable states to provide assistance to their constituencies.

In FY 2003, the Agency will continue to carry out its responsibilities under National Environmental Policy Act (NEPA), which requires that Federal agencies consider the environmental consequences of their activities. EPA prepares NEPA environmental reviews for its proposed actions, and under '309 of the Clean Air Act and NEPA, EPA reviews major actions taken by other federal agencies to ensure that adverse environmental effects are identified and either eliminated or mitigated.

Compliance Incentives

The program will continue to implement EPA's Audit/Self-Policing Policy, Small Business Compliance Policy, and Small Communities Policy as core elements of the enforcement and compliance assurance program. EPA developed its Audit/Self-Policing Policy in 1995 to encourage corporate audits and subsequent correction of self-discovered violations, and to provide a uniform enforcement response toward disclosures of violations. Under the Audit Policy, violations are discovered through voluntary environmental audits or a compliance management system, and are promptly disclosed and expeditiously corrected. EPA will reduce gravity-based penalties by 75% for violations that are voluntarily discovered, and are promptly disclosed and corrected, even if not found through a formal audit or compliance management system. The Policy also restates EPA's long-held policy and practice to refrain from using corporate prepared environmental audit reports as a basis for enforcement actions.

EPA is currently working on many efforts to encourage corporate self-disclosures, including efforts in the telecommunications, petroleum, and iron and steel industries. As of March 1, 2001, approximately 1,150 companies have disclosed potential violations at 5,400 facilities. The Agency

will continue to expand use of the Audit Policy through aggressive outreach to particular industries. EPA is particularly interested in encouraging disclosures at multiple facilities owned by the same regulated entity because such disclosures allow regulated entities to review their operations holistically, benefit the environment, and effectively leverage resources of the Agency.

The EPA Policy on Compliance Incentives for Small Business is intended to promote environmental compliance among small businesses by providing them with special incentives such as penalty reductions to use compliance assistance and other voluntary means to identify, disclose, and correct violations. EPA has worked with stakeholders to modify the policy to encourage greater participation. As part of its 2003 marketing and outreach activities for this approach, EPA will work with small business compliance assistance providers to develop tools useful to small businesses in understanding applicable environmental requirements and help businesses take advantage of the flexibility offered by the policy. EPA plans to revise its Small Communities Policy which encourages states to provide flexibility to small communities seeking assistance in addressing environmental problems. EPA wants to identify more incentives for states to adopt the policy and communities to utilize the policy.

In FY 2003 the Compliance Incentives program will continue to promote the use of environmental management systems (EMS), including ISO 14001. EMSs offer companies and other regulated entities an innovative approach to managing their environmental impacts by integrating environmental concerns into business decisions and practices. EPA will continue to work with a variety of domestic and international stakeholders, including the North American Commission for Environmental Cooperation, other federal agencies, state and local governments, industry, and non-governmental organizations, to promote the use of EMSs and to explore ways in which regulators can encourage the use of EMSs to boost environmental performance.

The enforcement and compliance assurance program will also continue to work on implementing the first tier of the two-tiered National Environmental Performance Track program. This first tier, The National Environmental Achievement Track (NEAT) is a program designed to motivate and reward companies and other regulated entities that are top environmental performers, recognize facilities that have consistently met their legal requirements, implemented environmental management systems (EMS), and made tangible environmental performance improvements. Entry criteria include showing established implementation of an EMS, presenting a record of continued compliance and certifying to current compliance, demonstrating specific environmental achievements and committing to future improvements, and committing to public outreach and annual performance reporting (including summaries of compliance audit findings). Incentives for participation include Agency recognition, lowered priority for routine inspection targeting, access to Audit Policy penalty mitigation and recognition of good faith participation in the program in any discretionary penalty assessment, as well as programmatic benefits still under development. The enforcement and compliance program's low inspection priority incentive was the first flexibility offered as an incentive to NEAT participants. The enforcement and compliance assurance program will also continue to participate in the development of the program's second tier, the Stewardship Track, which will be designed to recognize broader and higher levels of environmental performance.

In addition, the enforcement and compliance assurance program will continue to participate in Project XL (eXcellence in Leadership) projects, projects under the EPA/state regulatory innovation agreement, and other reinvention partnerships. The enforcement program will focus on ensuring these projects are legally enforceable where necessary, and provide accountability and transparency for participants (including Federal and non-Federal facilities). The program will also assist in verifying and evaluating project results.

The enforcement and compliance assurance program is funding the enhancement and transfer of the innovative Massachusetts Environmental Results Program (ERP). ERP is a self-certification program that replaces individual facility permits with a set of multi-media industry-wide performance standards and a facility-derived annual certification of compliance. ERP has improved performance for small business sectors and resulted in savings for these business, allowing the State and EPA to focus resources on priority environmental problem. In FY 2003, the enforcement and compliance assurance program is dedicating funding and other resources towards this effort. OECA will also provide technical and legal assistance to states developing an ERP, as well as continuing work on transferring the successful components of ERP to other sectors.

The enforcement and compliance program will also work to enhance market incentives for responsible environmental performance. Disclosure of environmental information promotes responsible behavior and ensures that markets value environmental performance. The United States' federal securities regulatory system relies on registrants' full disclosure of various kinds of information, including the registrant's environmental liabilities, to actual and potential shareholders as the primary means of ensuring informed investments and the proper functioning of the market. EPA's enforcement and compliance assurance program recently began notifying parties to some EPA-initiated administrative enforcement actions of their potential duty to disclose the proceeding to the Securities and Exchange Commission (SEC). In FY 2003, the enforcement and compliance assurance program will continue to collect data on the extent of disclosures of environmental liabilities and whether there is an increase in disclosures once EPA began providing notices to potential SEC registrants. EPA's enforcement and compliance assurance program will also explore ways to link potential investors to SEC resources so that they can determine whether registered companies are adequately disclosing their environmental liabilities.

Compliance Assistance

The program provides information and technical assistance to the regulated community to increase its understanding of all statutory and regulatory environmental requirements, thereby reducing risk to human health and the environment and gaining measurable improvements in compliance. To support improving compliance in specific industrial and commercial sectors or with certain regulatory requirements, the program will continue to develop strategies and compliance assistance tools and provide these to the regulated community. Compliance tools developed range from plain-language guides to comprehensive sector-based documents (such as the Sector Notebooks that include information on industry-specific manufacturing processes and pollution issues) to statute-based environmental audit protocol manuals to fact sheets, checklist, newsletters, and web-based clearinghouse interactive compliance assistance centers.

Moreover, in FY 2003, the program will continue with activities that more strategically tailor EPA's role in direct delivery of compliance assistance, to focus on targeted initiatives for particular sectors, or environmental problems and integrated compliance assurance strategies. The Agency would like to emphasize its role as a wholesaler of information by distributing and marketing tools through a network of compliance and technical assistance providers that work more directly with the regulated community. These activities include (1) convening a compliance assistance exchange forum, composed of public and private sector representatives, to share information on best practices, priority setting, outcome measurement on recently-promulgated regulations and new compliance assistance materials and (2) maintaining and enhancing a clearinghouse of compliance assistance materials available from federal, state and local governments and from trade associations. EPA intends that all new compliance assistance materials will be added to the Clearinghouse within 30 days of receipt. Through public outreach and communication efforts, including press releases and newsletters, EPA will publicize all major compliance assistance efforts. EPA will also continue its efforts to reach out to stakeholders to identify compliance assistance needs and priorities. EPA will work on the Compliance Assistance Activity Plan to guide the agency's compliance assistance activities.

The Sector Facility Indexing Project (SFIP) will be continued in FY 2003. SFIP allows the public to monitor the records of nearby facilities, provides the regulated community with a means of comparing performance against competitors, and assists government agencies in making cross-media comparisons. EPA is committed to increasing use of the SFIP by increasing public awareness of the project, ensuring customer satisfaction with the information provided, and sustaining the utility of the SFIP as a compliance and analytical tool.

EPA will continue to support the ten Compliance Assistance Centers, a key component of EPA's efforts to help small and medium-sized businesses better understand and comply with Federal environmental requirements. The centers provide small businesses in selected industry sectors one-stop shopping for regulatory and technical assistance, pollution prevention activities, and other information particularly suited to the individual industries. Operated in partnership with industry associations, environmental groups, universities and other government agencies, the centers are accessible through Internet web sites as well as toll-free telephone assistance lines. The agency will continue to develop and improve the Compliance Assistance Center Platform (Platform) to launch new sector-specific, topical, or geographic Internet-based Compliance Assistance Centers (Centers). The Platform provides a suite of comprehensive web-based tools necessary to create new, full-featured Centers. The Platform will ensure efficient integration of technology and content and reduce the financial barriers to creating new Centers. Under a cooperative agreement with EPA, the National Center for Manufacturing Sciences (NCMS) will develop and operate the Platform and collaborate with industry, states, tribes, and compliance assistance providers to establish Centers that help the regulated community better understand and more efficiently comply with environmental requirements. The Platform will support the: 1) improvement or expansion of Platform tools and services; 2) development of new Centers; 3) development and coordination of state regulatory compliance assistance material.

- Improvement of Platform Services: NCMS will assess user satisfaction of the Platform services over time. Funds will be used to implement suggested services or improve existing services. Funds may also be expended to support the modernization of the Platform infrastructure as web-based technologies change.
- Development of New Centers: Funds will enable industry sectors populated with small businesses to develop sector or topic-specific content for incorporation into new Centers. The sector or topic experts will be provided the latitude to develop compliance assistance materials that best address their compliance issues and meet the users' needs.
- Development of State Regulatory Compliance Assistance Material: Funds will enable the Platform to not only help small businesses identify and comply with their Federal regulatory obligations, but also to address their state regulatory obligations. For example, the Platform can identify state regulatory obligations associated with activities that occur at many small businesses (e.g., used oil management, wastewater treatment). The state regulatory information can serve as content for multiple new sector- or topic-specific centers.

The Agency will also provide sector-based materials and services and training sessions to the regulated community to improve industry's regulatory and technical knowledge and work to better incorporate compliance assistance into the rulemaking process. EPA will promote adoption of innovative technologies, including waste minimization. In FY 2003, EPA plans to provide compliance assistance to 475,000 entities. The Agency will also continue to work with the compliance assistance advisory committee in identifying new approaches and directions for the national compliance assistance program.

To improve its ability to measure the effectiveness of its various strategies in improving compliance and environmental results, EPA has tested methodologies designed to measure behavioral change resulting from targeted compliance assistance. EPA's goal is for 50% of the recipients of compliance assistance from funded pilot projects to have improved their use or handling of pollutants or improved their facility management practices or information as a result of the assistance received.

Consistent with its Indian Program Strategy, the Agency will assist Tribes in developing their own compliance assistance programs. In FY 2003, EPA will continue its programs to assist Tribes in addressing solid waste management problems.

The Compliance Assistance program disseminates information to the public and regulated community on important environmental issues, trends, and significant enforcement actions. This assistance (e.g., enforcement alert publications, slide presentations to industry) is designed to help the regulated community anticipate and prevent violations of federal environmental laws that could otherwise lead to enforcement actions.

EPA has maintained a sector based multi-media assistance program to States and Tribes over the past several years to both build and foster innovations in compliance. The Agency focused this multi-media program in three areas: 1) Data Quality / Data Modernization; 2) Public Access to Enforcement and Compliance Assurance Data; and 3) Compliance Assistance Outcome Measurement. Each of these three funding priorities was selected and designed to enhance State and Tribal capability and capacity in emerging areas. EPA competitively awarded funds through grants or cooperative agreements, in the \$50 to \$200 thousand range.

EPA intends to continue supporting the development of performance measurement within State and Tribal governments. The projected outcomes of the awards will be the enhanced capability of States and Tribes to assess the effectiveness of their efforts through improved compliance rates; reductions in pollutants released to the environment and citizens served.

The Federal facility enforcement program will continue to provide technical guidance to other Federal agencies concerning their implementation of executive orders and environmental programs, as well as providing guidance on complying with pollution prevention law requirements and applicable environmental laws at Federal facilities. EPA will maintain and expand the Federal Facility Compliance Assistance Center to deliver compliance assistance to Federal agencies concerning new regulatory requirements. EPA will develop and deliver compliance assistance for new major EPA regulations and Executive Orders in selected program areas. EPA will work with other Federal agencies on implementing the Federal Code of Environmental Management Principles (CEMP) through agency- or bureau-wide environmental management system assessments and environmental management reviews at specific federal facilities. EPA will also support pollution prevention opportunity assessments and similar evaluations at Federal facilities.

National Environmental Policy Act (NEPA) Implementation

The program reviews environmental impacts of proposed major federal actions as required by NEPA, '309 of the Clean Air Act, the Antarctic Science, Tourism, and Conservation Act (ASTCA), and the Executive Order on environmental justice; and develops policy and technical guidance on issues related to NEPA, the Endangered Species Act, the National Historic Preservation Act and relevant Executive Orders. The program emphasizes cooperation with other Federal agencies to ensure compliance with applicable environmental laws and better integration of pollution prevention and ecological risk assessment into their programs, while targeting high impact federal program areas, such as water resources and transportation/energy related projects. In FY 2003 the Agency will continue to work with other federal agencies to streamline and improve their NEPA process in such key areas as approvals of highways and airport expansions, disposition of mercury and chemical weapons stockpiles, hydro-power/nuclear power plant relicensing and other energy-related projects, flood control and port development projects, and management of national forests and public lands. In FY 2003, EPA will review all major proposed federal actions under NEPA and achieve successful mitigation for at least 70 percent of the adverse environmental impacts resulting from those actions in order to preserve air and water quality, wetlands, aquatic and terrestrial habitats, and endangered species; protect Environmental Justice communities; and prevent degradation of other environmental values. The program also manages the Agency's official filing

activity for all federal Environmental Impact Statements (EIS) in accordance with a Memorandum of Understanding with the Council on Environmental Quality.

The NEPA Implementation program also guides EPA's own compliance with NEPA and other applicable statutes, and related environmental justice requirements. These efforts include EPA-issued new source National Pollutant Discharge Elimination System (NPDES) permits where a state/tribe has not assumed the NPDES program, for off-shore oil and gas sources, for Clean Water Act (CWA) wastewater treatment plant grants, and for special appropriation grants for wastewater, water supply and solid waste collection facilities. In FY 2003 EPA will review and document 100 percent of the water treatment facility grants and water discharge permits subject to NEPA to ensure that impact of construction will not adversely affect the environment.

FY 2003 Change from FY 2002 Enacted

EPM

- (-\$1,78,000, -17.8 FTE) Reduction to support the new multimedia enforcement grant program to the states.

Annual Performance Goals and Measures

Compliance Incentives

In 2003 Increase opportunities through new targeted sector initiatives for industries to voluntarily self-disclose and correct violations on a corporate-wide basis.

In 2002 Increase opportunities through new targeted sector initiatives for industries to voluntarily self-disclose and correct violations on a corporate-wide basis.

In 2001 EPA increased opportunities through targeted sector initiatives for industries to use one of the self-disclosure policies.

Performance Measures:	FY 2001 Actual	FY 2002 Enacted	FY 2003 Request	
Facilities voluntarily self-disclose and correct violations with reduced or no penalty as a result of EPA self-disclosure policies.	1754	500	500	Facilities
Increase opportunities for corporate-wide voluntary self-disclosure through targeted sector initiatives.			2	initiatives

Baseline: EPA developed its Audit/Self-Policing Policy in 1995 to encourage corporate audits and subsequent correction of self-discovered violations. That Policy as well as the Small Business Compliance Policy were modified in FY00. The Agency is working to expand the use of the Audit Policy through aggressive outreach to specific sectors. In FY01 the performance measure was modified to reach settlements with 500 facilities to voluntarily self-disclose and correct violations. This same measure has been carried continued.

Regulated Communities

In 2003 Increase the regulated community's compliance with environmental requirements through their expanded use of compliance assistance. The Agency will continue to support small business compliance assistance centers and develop compliance assistance tools such as sector notebooks and compliance guides.

In 2002 Increase the regulated community's compliance with environmental requirements through their expanded use of compliance assistance. The Agency will continue to support small business compliance assistance centers and develop compliance assistance tools such as sector notebooks and compliance guides.

In 2001 EPA continued to expand the compliance assistance program for the regulated community.

Performance Measures:	FY 2001 Actual	FY 2002 Enacted	FY 2003 Request	
EPA will complete 80% of the compliance assistance tools listed in the previous year's compliance Assistance Activity Plan.			80	Percent
50% of recipients of compliance assistance from funded assistance pilot projects will increase their understanding of environmental requirements or facility management practices. (Core optional)			50	Percent
Number of facilities, states, technical assistance providers or other entities reached through targeted compliance assistance (core optional)	550,000	500,000	475,000	Entities
Develop compliance assistance tools listed in the Compliance Assistance Plan.	203	150		Tools
Number of tribally owned/managed entities reached through the Agency's targeted compliance assistance.	249	30	30	entities
70% of survey respondents find the Compliance Assistance Center useful to very useful in helping them understand applicable environmental regulations			70	percent
60% of survey respondents took an action, in whole or in part, due to information found through Center services or resources.			60	percent

Baseline: EPA provides clear and consistent descriptions of regulatory requirements to assure that the community can understand its obligations. EPA supports initiatives targeted toward compliance in specific industrial and commercial sectors or with certain regulatory requirements. Compliance assistance tools range from plain-language guides, fact sheets, checklists and newsletters. New distribution methods include the on-line Clearinghouse. In FY03, EPA is planning to reach 475,000 facilities, states, or technical assistance providers through targeted compliance assistance efforts.

Verification and Validation of Performance Measures

FY2003 Congressional Performance Measure (PM): Facilities voluntarily self-disclose and correct violations with reduced or no penalty as a result of EPA self-disclosure policies.

Performance Database: Headquarters manages information on the self-disclosing policies in the DOCKET.

Data Source: Headquarters and the Regions enter the information. The data for Docket is generated through the use of the Case Conclusion Data Sheet (CCDS), which is prepared by Agency staff after the conclusion of each criminal and civil (judicial and administrative) enforcement action. The CCDS was implemented by EPA in 1996 and captures the relevant information on the results and environmental benefits of the concluded enforcement cases. Docket was modified to collect information on the self-disclosing policies.

QA/QC Procedures: Procedures are in place for both the CCDS and for Docket entry. There are separate CCDS Calculation and Completion Checklist required to be filled out at the time the CCDS is completed.

Data Quality Review: Information contained in the CCDS and Docket are reviewed by Regional and Headquarters staff for completeness and accuracy.

Data Limitations None

New & Improved Data or Systems: Docket is now collecting information on the self-disclosing policies after it was modified. These policies were tracked in Docket beginning in FY 2000.

FY 2003 Congressional Performance Measure (PM): Number of facilities, states, technical assistance providers or other entities reached through targeted compliance assistance.

Performance Database: Headquarters manages data on the number of entities reached through targeted compliance assistance in the Reporting Compliance Assistance Tracking System (RCATS).

Data source: Headquarters and the Regions enter information in RCATS upon completion and delivery of media and sector-specific compliance assistance including workshops, training, on-site visits and distribution of compliance assistance tools. RCATS is designed to capture outcome measurement information such as increased awareness/understanding of environmental laws, changes in behavior and environmental improvements as a result of the compliance assistance provided.

QA/QC: Automated data checks and data entry guidelines are in place for RCATS.

Data Quality Review: Information contained in the RCATS are reviewed by Regional and Headquarters staff for completeness and accuracy.

Data Limitations: None

New & Improved Data or Systems: N/A

Coordination with Other Agencies

The Compliance Assistance program and the U.S. Department of Agriculture (USDA) have created an Agricultural Compliance Assistance Center. The program has in place two Interagency Agreements with USDA to award funds to Land Grant Universities to develop compliance and pollution prevention materials.

The Compliance Assistance program works, in addition, with US Customs to ensure safe import and export of hazardous and toxic materials.

The Compliance Incentives and Assistance program works closely with the states as they provide an increasing amount of compliance incentives and assistance. The compliance assistance centers have been coordinating with the states to assist them in their outreach efforts to industry, to facilitate their delivery of sector-specific regulatory information, to serve as the delivery mechanism

for their pollution prevention and compliance assistance material, and to build their capacity to meet the environmental needs of the businesses in their states and localities.

The Enforcement program works with states prior to and following enactment of state audit privilege and immunity legislation to identify and express the Agency's policy and legal concerns. EPA has adopted a pragmatic, problem-solving approach to addressing legal adequacy in specific states that have enacted audit privilege and immunity laws. EPA and the state use a process under which they identify any legal impediments to federal program authorization resulting from the state's law. The impediments can then be addressed through tailored statutory amendments, or a state Attorney General opinion interpreting the law consistent with federal requirements, or both. EPA has completed this process in ten states Arkansas, Indiana, Michigan, Minnesota, Ohio, South Dakota, Texas, Utah, Virginia, and Wyoming, an increase of four states during the past year.

The Enforcement program also works with the Securities and Exchange Commission (SEC) and the Department of Justice (DOJ) on activities to encourage increased disclosure of corporate environmental performance information by public companies. The SEC and DOJ have reviewed EPA research on the level of compliance with SEC environmental disclosure regulations. They also commented on an EPA notice to be distributed in administrative enforcement actions, which informs publicly-traded companies of their duty to disclose environmental legal proceedings pursuant to SEC regulations.

The Agency is required to review the environmental impact statements (EIS) and other major actions impacting the environment and public health proposed by all federal agencies, and makes recommendations to the proposing federal agency on how to remedy/mitigate those impacts. Although EPA is required under ' 309 of the Clean Air Act (CAA) to review and comment on proposed federal actions, neither the National Environmental Policy Act nor ' 309 CAA require a federal agency to modify its proposal to accommodate EPA's concerns, although EPA has authority under these statutes to refer major disagreements with other federal agencies to the Council on Environmental Quality (CEQ). Accordingly, many of the beneficial environmental changes or mitigation that EPA recommends must be negotiated with the other federal agency. The majority of the actions EPA reviews are proposed by the Forest Service, Department of Transportation (including Federal Highway Administration and Federal Aviation Administration), Army Corps of Engineers, Department of the Interior (including Bureau of Land Management, Minerals Management Service and National Park Service), Department of Energy (including Federal Regulatory Commission), and Department of Defense.

Statutory Authorities

Resource Conservation and Recovery Act sections 3007, 3008, 3013, and 7003 (42 U.S.C. 6927, 6928, 6934, 6973)

Comprehensive Environmental Response, Compensation, and Liability Act sections 106, 107, 109, and 122 (42 U.S.C. 9606, 9607, 9609, 9622)

Clean Water Act (CWA) sections 308, 309, and 311 (33 U.S.C. 1318, 1319, 1321)

Safe Drinking Water Act section 1413, 1414, 1417, 1422, 1423, 1425, 1431, 1432, 1445 (42 U.S.C. 300g-2, 300g-3, 300g-6, 300h-1, 300h-2, 300h-4, 300i, 300i-1, 300j-4)

Clean Air Act section 113, 114, 303, and 309 (42 U.S.C. 7413, 7414, 7603, 7609)

Toxic Substances Control Act (TSCA) sections 11, 16, and 17 and TSCA Titles II and IV (15 U.S.C. 2610, 2615, 2616, 2641-2656, 2681-2692)

Emergency Planning and Community Right-to-Know Act section 325 and 326 (42 U.S.C. 11045, 11046)

Federal Insecticide, Fungicide, and Rodenticide Act sections 8, 9, 12, 13, and 14 (7 U.S.C. 136f, 136g, 136j, 136k, 136l)

Ocean Dumping Act sections 101, 104B, 105, and 107 (33 U.S.C. 1411, 1414B, 1415, 1417)

National Environmental Policy Act (NEPA)

Antarctic Science, Tourism, and Conservation Act (ASTCA)

Endangered Species Act (ESA)

National Environmental Policy Act (NEPA)

Antarctic Science, Tourism, and Conservation Act (ASTCA)

Endangered Species Act (ESA)

National Historic Preservation Act (NHPA)